

ESTTA Tracking number: **ESTTA959823**

Filing date: **03/12/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Brett Brimmer		
Entity	Individual	Citizenship	UNITED STATES
Address	P.O. Box 26741 1501 S. Cherrybell Stra. Rm 205 Tucson, AZ 85726 UNITED STATES		
Correspondence information	Brett Brimmer P.O. Box 26741 1501 S. Cherrybell Stra. Rm 205 Tucson, AZ 85726 UNITED STATES brettbrimmer@gmail.com 5209091755		

Registration Subject to Cancellation

Registration No.	5631903	Registration date	12/18/2018
Registrant	Supermega Productions Inc #410 16000 Ventura Blvd Encino, CA 91436 UNITED STATES Email: steve@jaffeandassoc.com		


Goods/Services Subject to Cancellation


Class 041. First Use: 2016/04/12 First Use In Commerce: 2016/04/12 All goods and services in the class are subject to cancellation, namely: Providing on-line videos featuring entertainment commentary, as well as other miscellaneous videos, sometimes including live-action content, not downloadable
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	5443445	Application Date	07/25/2017
Registration Date	04/10/2018	Foreign Priority Date	NONE
Word Mark	SUPER MEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/02/00 First Use In Commerce: 2010/11/17 Comic strips Class 028. First use: First Use: 2012/07/13 First Use In Commerce: 2012/08/12 Board games		

U.S. Registration No.	5571779	Application Date	07/25/2017
Registration Date	09/25/2018	Foreign Priority Date	NONE
Word Mark	SUPER MEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/01/28 First Use In Commerce: 2018/06/11 Entertainment services, namely, the provision of continuing movies featuring comedy delivered by internet		

Attachments	87976330#TMSN.png(bytes) 87541135#TMSN.png(bytes) PetitionToCancel_Part1.pdf(4049830 bytes) PetitionToCancel_Part2.pdf(4950665 bytes)
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Signature	/Brett Brimmer/
Name	Brett Brimmer
Date	03/12/2019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark registration No. 5,631,903
For the mark SUPERMEGA
Date Registered: Dec. 18, 2018

Brett Brimmer,	
Petitioner,	
-against-	
Supermega Productions Inc.,	
Registrant.	

PETITION TO CANCEL

Brett Brimmer ("Petitioner") believes that he is, or will be, damaged by U.S. Trademark Registration No. 5,631,903 for trademark SUPERMEGA, granted to SuperMega Productions Inc. ("Registrant"), and therefore files this petition for cancellation of this registration in its entirety. As grounds for the cancellation, Petitioner alleges as follows:

1. Petitioner is an individual with an address at:

Brett Brimmer

P.O. Box 26741

1501 S. Cherrybell Stra. Rm 205

Tucson, AZ 85726.

2. Upon information and belief, Registrant is a California corporation owned by Matt Watson and Ryan Magee with a principal place of business at:

Supermega Productions Inc.

16000 VENTURA BLVD. #410

ENCINO, CALIFORNIA UNITED STATES 91436.

3. Registrant obtained a U.S. trademark registration for SUPERMEGA for "Providing on-line videos featuring entertainment commentary, as well as other miscellaneous videos, sometimes including live-action content, not downloadable" in International class 41, alleging a first use in commerce of Apr. 12, 2016, U.S. Trademark Reg. No. 5,631,903 granted on Dec. 18, 2018. A copy of Registrant's registration for this mark is annexed hereto as Exhibit A.

PETITIONER'S PRIORITY OF USE

4. Petitioner has created over 60 internet humor videos under the Super Mega brand since 2006. These videos are on the Petitioner's YouTube channels, which include channels named "Super Mega", "Super Mega Games", "Wonderful Stories by Super Mega", and "Super Mega Videos". Most of these videos are catalogued on the supermegacomics.com website at www.supermegacomics.com/videos.html. Petitioner continues to create videos to this day which are posted on YouTube, Facebook, Patreon, and the supermegacomics.com web site.

5. Petitioner has been creating internet comic strips under the Super Mega brand since 2004. These include over 500 comics. These comics are hosted at

supermegacomics.com, and are also posted on social media sites such as Facebook, Tumblr, Twitter, and Instagram.

6. Petitioner published a board game under the Super Mega brand in 2013 titled "Mage Tower, A Tower Defense Card Game". Funding was obtained via Kickstarter in 2012, largely from Petitioner's webcomic and video fans. This board game has been sold in game stores internationally. Petitioner continued to develop a digital version of this card game that has received intermittent updates from 2013-2018. The Petitioner offers the board game for sale at supermegacomics.com and supermegagames.net. The digital game is available for download at supermegagames.net.

7. Petitioner published a book of comic strips in 2017. Funding for this project was obtained via Kickstarter in early 2016 from fans of Petitioner's comic strips, videos, and games.

8. Upon information and belief, Registrant creates and posts SuperMega branded humor videos on their SuperMega YouTube channel. These include live action sketch comedy videos, live action musical comedy videos, videos of them playing video games, podcasts, and humorous animated videos. The Registrant's podcasts under the SuperMega brand are also posted on iTunes and Google Play.

9. Petitioner obtained a U.S. trademark registration for "SUPER MEGA" for "Comic Strips" in International Class 16, with a first use date of Feb. 2004 and a first use in commerce date of Nov. 17 2010, U.S. Trademark Reg. No. 5,443,445. A copy of Petitioner's registration is annexed hereto as Exhibit B.

10. Petitioner obtained a U.S. trademark registration for "SUPER MEGA" for "Board Games" in International Class 26, with a first use date of Jul 13, 2012, U.S. Trademark Reg. No. 5,443,445. A copy of Petitioner's registration is annexed hereto as Exhibit B.

11. Petitioner obtained a U.S. trademark registration for "SUPER MEGA" for "Entertainment services, namely, the provision of continuing movies featuring comedy delivered by internet" in International Class 41, with a first use date of Jan. 28, 2008, U.S. Trademark Reg. No. 5,571,779. A copy of Petitioner's registration for this mark is annexed hereto as Exhibit C.

12. All three usage classes (Comic Strips, Board Games, and Internet Humor Movies) of Petitioner's trademarks are part of the same Super Mega brand owned by Petitioner. All of Petitioner's comics, videos, games, and

merchandise have been promoted and/or hosted on the supermegacomics.com website.

13. Petitioner's First Use in Commerce date of the SUPER MEGA trademark, for registration 5,443,445, was on Nov. 17, 2010 while Registrant's registration 5,631,903 states a First Use In Commerce of April 12,2016.

14. Petitioner has used video content in commerce as far back as 2008. Exhibit D shows an archived copy of the supermegacomics.com store page from 2008, which featured characters from the videos promoting the t-shirts for sale. Exhibit E shows characters in the videos wearing the t-shirts to promote sales.

15. Petitioner has used video content in commerce as early as 2010 via videos generating advertising revenue from the "Project Wonderful" advertising service and from YouTube's advertising service.

16. Petitioner has used video content in commerce many more times leading up to the present day. Usage includes Petitioner posting humorous animated and live action videos on YouTube, supermegacomics.com, and various social media sites. These videos have generated ad revenue and sales of merchandise. Petitioner has created humorous live action

Kickstarter videos under the Super Mega brand to generate pre-sales of product. Petitioner has created humorous product demonstration videos to drive sales of Super Mega branded board game and video game products. Much of this usage in commerce still predates the existence of Registrant's company.

17. Petitioner continues to create humorous live action and animated videos, and live streams videos of himself creating comic strips for fans who financially support the creation of these videos at patreon.com.

18. Registrant was informed of Petitioner's Priority of Use and was given information about Petitioner's trademark application serial numbers and registration numbers as well as links to Petitioner's website and YouTube channels in a Cease and Desist letter sent on April 9, 2018.

19. Petitioner's trademark applications were filed on July 25, 2017. Registrant filed their trademark application on April 24, 2018, which was 9 days after receiving the Cease and Desist letter from Petitioner.

20. The mark SUPER MEGA is symbolic of extensive goodwill and recognition built up by Petitioner through

substantial amounts of time and effort in advertising, promotion, and content creation. The term SUPER MEGA when used, is recognized as referring to Petitioner's brand.

21. The mark SUPER MEGA has been used by Petitioner for 12 years prior to use by Registrant and is still being used by Petitioner. Petitioner never abandoned the mark. Petitioner has used and is using the SUPER MEGA mark for internet comics, internet comedy videos, board game development, and video game development.

22. In view of the marks being nearly identical and being used on similar goods and services, it is alleged that Registrant's registered mark so resembles Petitioner's mark used in the United States by Petitioner, as to be likely to cause confusion, or to cause mistake or to deceive.

23. On information and belief, Registrant had knowledge of the public recognition of the term SUPER MEGA as referring to Petitioner, when it filed the application for U.S. Trademark Reg. No. 5,631,903 for SUPERMEGA.

CONFUSION IN THE MARKETPLACE AND DILUTION

24. Registrant's mark is for "SuperMega", which is confusingly similar to Petitioner's mark of "Super Mega".

25. The Registrant registered "SuperMega" as one word, but their logo shows "Super Mega" as two separate words in two different colors, which further resembles Petitioner's mark.

26. The Registrant's logo show the words "SUPER MEGA" written in full capital letters, just like Petitioner's logo.

27. Registrant's original logo, used for over a year, had a bright yellow background nearly identical in color to Petitioner's logo, with almost identical RGB (red/green/blue) color values. (See Exhibit F.) The color of the logo and name of the brand are such a striking copy of the Petitioner's brand name and logo that it's likely consumers would assume the companies are related.

28. In mid-2017 Registrant changed their logo to a less bright yellow that still resembled the color in Petitioner's logo. (See lower part of Exhibit F.) The older brighter yellow logo was still used on Registrant's Instagram page through mid-2018 and on their Facebook page until February 2019. The older brighter yellow color is still associated with the Registrant's brand, which can easily be seen by the fact that it is often used in content created by the Registrant's fans.

29. The bright yellow color used in both the Petitioner and Registrant's logos is an iconic part of Petitioner's brand and content. All of Petitioner's nearly 500 comic strips and many videos are known for having a bright yellow background instead of white like a standard comic strip (See Exhibit G.) This further increases confusion to the consumer when another company with an identical name uses such an iconic part of the Petitioner's brand in their own branding.

30. The phrase "Super Mega" is an adjective phrase, usually used to describe something as being great or large. (For example: "I'm having a super mega day!") The Petitioner and Registrant, however, use the phrase "Super Mega" as a noun which creates an interesting and unique company name. Outside of Petitioner and Registrant's brand names, the phrase "Super Mega" is almost never used as a noun.

31. Petitioner and Registrant are both known for creating live action sketch comedy videos under the Super Mega brand. This increases consumer confusion and dilutes the Petitioner's brand. Exhibit H shows screenshots of the Petitioner and Registrant's live action videos side by side, which have similar traits in appearance.

32. The Petitioner is known for creating animated comedy videos under the Super Mega brand. The Registrant posts and promotes fan-made animated comedy videos under the SuperMega brand, both as a playlist on their YouTube channel and by posting them on their official Twitter account. This increases consumer confusion and dilutes the Petitioner's brand. Exhibit I shows images of the Petitioner and Registrant's animated comedy videos side by side, which have similar traits in appearance.

33. The Petitioner and Registrant are both known for creating musical live action comedy videos under the Super Mega brand. This increases consumer confusion and dilutes the Petitioner's brand. Exhibit J shows images of the Petitioner and Registrant's musical live action comedy videos side by side, which have similar traits in appearance.

34. Petitioner is known for creating comic strips under the Super Mega brand. The Registrant posts and promotes fan-made drawings and comic strips under the SuperMega brand. This increases consumer confusion and dilutes Petitioner's brand. Exhibit K shows some of Registrant's posted comics which bear similarities in style and color to Petitioner's bright yellow comic strips as

seen in Exhibit G, due to the Registrant's usage of the yellow color in their logo and branding.

35. Registrant's encouragement of the creation of fan-made drawings and comics has caused social media web sites to become flooded with drawings and comics that use the "SuperMega" brand name that are not related to Petitioner's comics. This confuses consumers and dilutes the Petitioner's brand and social media presence.

36. Petitioner and Registrant's various social media pages share a similar look because of the usage of the bright yellow color. Exhibit L shows a few comparisons of Petitioner and Registrant's social media pages from various points in time.

37. The Petitioner and Registrant are both associated with the video game industry. Registrant is associated with this industry because they create videos of themselves playing video games. Petitioner is associated with this industry because he has published both a board game and a video game, and owns a board and video game publishing company called Super Mega. The association with the video game industry further increases consumer confusion between the two brands.

38. Petitioner has been known to post videos of himself playing video games in the past on his web site, supermegacomics.com. (These videos were hosted on the JSLeagueOfLegends YouTube channel.) Petitioner also once owned mtgdrafters.com, a web site where he posted videos of himself playing video games. The Registrant posts videos of themselves playing video games often. The fact that both the Registrant and Petitioner are known for creating videos of themselves playing video games increases consumer confusion.

39. Potential for confusion in the marketplace is amplified by both Petitioner's and Registrant's companies being media companies that use the same social media platforms. Consumers searching for "Super Mega", "SuperMega", or the hashtag #supermega on Twitter, Instagram, Tumblr, Facebook, and YouTube are inundated with both Petitioner and Registrant's humorous content.

40. The gaming, online humor, and comic industries have a greatly overlapping consumer base. This is shown by the fact that companies in these industries often share the same industry conventions. These conventions are usually called Comic Cons, such as the popular "San Diego Comic Con". Both the Petitioner and the Registrant have had

booths at Comic Cons in the past under the Super Mega brand name. The fact that these industries are so interconnected, share an overlapping consumer base, and both the Petitioner and the Registrant have been to these Comic Cons under the Super Mega brand name increases consumer confusion.

41. Confusion in the marketplace has already been occurring. Exhibit M shows a confused consumer saying he thought Petitioner was working for the company (Game Grumps) Registrant works for, clearly because Registrant uses the SuperMega brand name.

42. Confusion in the marketplace has already been occurring. Exhibit N shows a Reddit user disappointed that Registrant's SuperMega didn't refer to Petitioner's Super Mega.

43. Confusion in the marketplace has already been occurring. Exhibit O shows a consumer who thought a Twitter post about Registrant's brand referred to Petitioner's brand. (The Twitter post shows a photo of Matt and Ryan from the Registrant's company.)

44. Confusion in the marketplace has already been occurring. Exhibit P shows a Reddit user posting one of

Petitioner's comics on Registrant's Reddit page, along with a confused or joking comment referring to Registrant's company members (Matt and Ryan.)

45. Confusion in the marketplace has already been occurring. Exhibit Q shows a YouTube commenter on Petitioner's YouTube channel saying that he is bummed out that the Petitioner "ripped off" the Registrant's brand name (apparently unaware that the Petitioner's brand came first.)

46. Confusion in the marketplace has already been occurring. Exhibit R shows a YouTube commenter posting on one of Petitioner's videos, but making a confused or joking comment about Matt and Ryan from Registrant's brand.

47. Confusion in the marketplace has already been occurring. Exhibit S shows a Twitter user concerned that the Registrant is using the Petitioner's brand name.

48. Confusion in the marketplace has already been occurring. Exhibit T shows 6 more examples of confusion in the marketplace, which are several different Tumblr users messaging Petitioner asking if Petitioner is related to Registrant's company.

FRAUD BY REGISTRANT

49. Upon information and belief, at the time of submitting trademark application 5,631,903 to the USPTO, Registrant was aware that the mark had been in use by Petitioner since 2004 and that the Petitioner had already registered the SUPER MEGA trademark. This is because the Petitioner sent a cease and desist letter on April 9, 2018, and a YouTube trademark complaint on April 13, 2018. Both the letter and YouTube complaint detailed the issues at hand and gave the Petitioner's trademark serial numbers, registration numbers, and links to the Petitioner's content and YouTube channels. The YouTube complaint gave the same general information as the Cease and Desist letter and also referred to the previously sent Cease and Desist letter, and was responded to by the Registrant.

50. The Registrant filed their trademark application on April 24, 2018. This was 15 days after receiving the Cease and Desist letter and 11 days after receiving the YouTube trademark complaint.

51. Registrant's Registration No. 5,631,903 was obtained fraudulently in that the application papers filed by Registrant under notice of \$ 10001 of Title 18 of the United States Code states that to the best of Registrant's "knowledge and belief, no other persons, except, if

applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive."

Registrant's sworn statement is false in that the true facts are that Registrant's SUPERMEGA mark is a copy of Petitioner's mark and Registrant was aware that it was Petitioner's mark at the time the application was sworn to due to information from Petitioner's cease and desist letter and from the YouTube trademark complaint.

52. Registrant did not file their application as a concurrent use application, even though Registrant was aware the mark was being used by the Petitioner. Registrant did not participate in a concurrent use proceeding before the Trademark Trial and Appeal Board.

53. The statement made by Registrant in its trademark application set forth in paragraph 51 herein was made by Registrant with the knowledge and belief that said statement was false. Said false statement was made with the intent to induce authorized agents of the United States Patent and Trademark Office (hereinafter "USPTO") to grant said registration, and reasonably relying upon the truth of

said false statement, the USPTO did, in fact, grant said registration to Registrant. Petitioner was damaged by said false statement. Petitioner's legal use of the mark is impaired by the continued registration of said mark by Registrant.

HARM TO PETITIONER

54. Registrant's mark is nearly identical to Petitioner's trademark, so that confusion and deception as to the origin of Registrant's content bearing Registrant's mark has and will continue to occur, all to the damage and detriment of Petitioner. Confusion to the public resulting in damage and injury to Petitioner has and will continue to occur by reason of Petitioner's and Registrant's marks being nearly identical. Consumers have been and are likely to believe that Registrant or its goods and services are affiliated, associated with, or endorsed by Petitioner, which is false.

55. Even if a consumer is able to notice a difference between Petitioner's and Registrant's marks, they have been and are likely to continue to believe that Registrant's mark and Petitioner's mark are companion marks used by the same source on companion or related goods and services. Any such confusion will result in harm to Petitioner's

reputation and lead to loss of internet traffic and revenue to Petitioner. As such, Registrant's registration is and will thus be a source of damage and injury to petitioner.

56. Petitioner's and Registrant's posts and fan posts overlap greatly on social media sites such as Instagram, Twitter, and Tumblr. Consumers searching for "SuperMega", "Super Mega", or the hashtag #supermega will likely be confused between Petitioner and Registrant's brands. This dilutes Petitioner's brand and hurts consumer's ability to find Petitioner's content.

57. As previously states in this document, the gaming, humor, and comic industries often share the same industry conventions (usually called Comic Cons, such as the San Diego Comic Con.) As confusion in the marketplace continues, this puts Petitioner in an awkward position of not being able to go to a Comic Con for fear of consumers misidentifying him as being from Registrant's company and hurting his reputation.

58. Confusion in the marketplace on the part of consumers presents many more problems to Petitioner. The Petitioner's advertising may become less effective as it is easy for consumers to confuse the two brands. Confusion in the marketplace can cause embarrassment for Petitioner,

accusations that Petitioner is copying Registrant, and harm to Petitioner's reputation. Petitioner may have trouble selling Super Mega branded merchandise due to confusion between the two brands.

59. Petitioner has difficulty promoting his company by word of mouth, as people often find Registrant's company and become confused.

60. Registrant's SUPERMEGA registration must be cancelled based upon:

(a) Petitioner's priority of use of the mark;

(b) The Registrant's trademark is likely to cause confusion, or to cause mistake, or to deceive;

(c) Registrant's fraudulent representation in its trademark application;

(d) The Registrant's trademark is likely to dilute the distinctive quality of Petitioner's trademark.


61. This petition is being submitted along with the fee required pursuant to \$400.00 per class.

WHEREFORE, Petitioner respectfully requests that this Petition for Cancellation be granted by the Trademark Trial

and Appeal Board and that Registration 5,631,903 issued on
December 18, 2018 be cancelled.

Dated: March 12, 2019

Respectfully submitted,

 (signed Brett Brimmer)

Brett Brimmer

P.O. Box 26741

1501 S. Cherrybell Stra. Rm 205

Tucson, AZ 85726

Tel. (520) 909-1755

BrettBrimmer@gmail.com

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Petition to Cancel has been served on SuperMega Productions Inc. by forwarding said copy on March 12, 2019, via USPS First Class Mail to: SuperMega Productions Inc. 16000 VENTURA BLVD. #410 ENCINO, CALIFORNIA UNITED STATES 91436 and via email to: steve@jaffeandassoc.com and via email to: watsonmagee@gmail.com and via email to: thosekidswithproblems@gmail.com.


 (signed Brett Brimmer)

Exhibit A

Status results found

STATUS	DOCUMENTS	MAINTENANCE	?	Download	Print Preview
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Generated on:

This page was generated by TSDR on 2019-02-25 18:57:19 EST

Mark:

SUPERMEGA

SuperMega

US Serial Number:	87891405	Application Filing Date:	Apr. 24, 2018
US Registration Number:	5631903	Registration Date:	Dec. 18, 2018
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes
Register:	Principal		
Mark Type:	Service Mark		
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active	
		The trademark application has been registered with the Office.	
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Dec. 18, 2018		
Publication Date:	Oct. 02, 2018		

▼ Mark Information

Expand All

Mark Literal Elements:	SUPERMEGA		
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.		
Mark Drawing Type:	4 - STANDARD CHARACTER MARK		

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For:

Providing on-line videos featuring entertainment commentary, as well as other miscellaneous videos, sometimes including live-action content, not downloadable

International Class(es):	041 - Primary Class	U.S Class(es):	100, 101, 107
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Apr. 12, 2016	Use in Commerce:	Apr. 12, 2016

▲ Basis Information (Case Level)

Exhibit B


STATUS	DOCUMENTS	MAINTENANCE	
Generated on: This page was generated by TSDR on 2019-02-25 19:00:20 EST			
Mark: SUPER MEGA		Download  Print Preview 	
		Super Mega	
US Serial Number:	87976330	Application Filing Date:	Jul. 25, 2017
US Registration Number:	5443445	Registration Date:	Apr. 10, 2018
Filed as TEAS RF:	Yes	Currently TEAS RF:	Yes
Register:	Principal		
Mark Type:	Trademark		
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active	
		The trademark application has been registered with the Office.	
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Apr. 10, 2018		
Publication Date:	Jan. 23, 2018		
▼ Mark Information Expand All			
Mark Literal Elements:	SUPER MEGA		
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.		
Mark Drawing Type:	4 - STANDARD CHARACTER MARK		
▼ Related Properties Information			
Child Of:	87541135		
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none">• Brackets [...] indicate deleted goods/services;• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and• Asterisks *...* identify additional (new) wording in the goods/services.			
For:	Comic strips		
International Class(es):	016 - Primary Class	U.S Class(es):	002, 005, 022, 023, 029, 037, 038, 050
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Feb. 2004	Use in Commerce:	Nov. 17, 2010
For:	Board games		
International Class(es):	028 - Primary Class	U.S Class(es):	022, 023, 038, 050
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Jul. 13, 2012	Use in Commerce:	Aug. 12, 2012
▲ Basis Information (Case Level)			
▼ Current Owner(s) Information			

Exhibit C


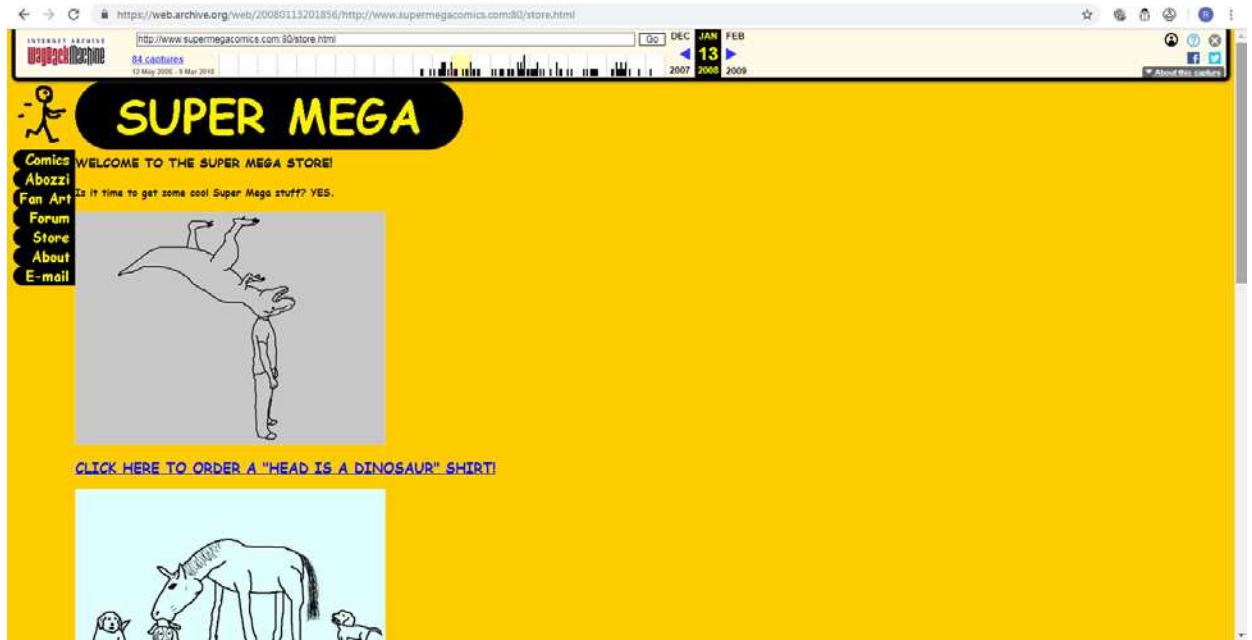
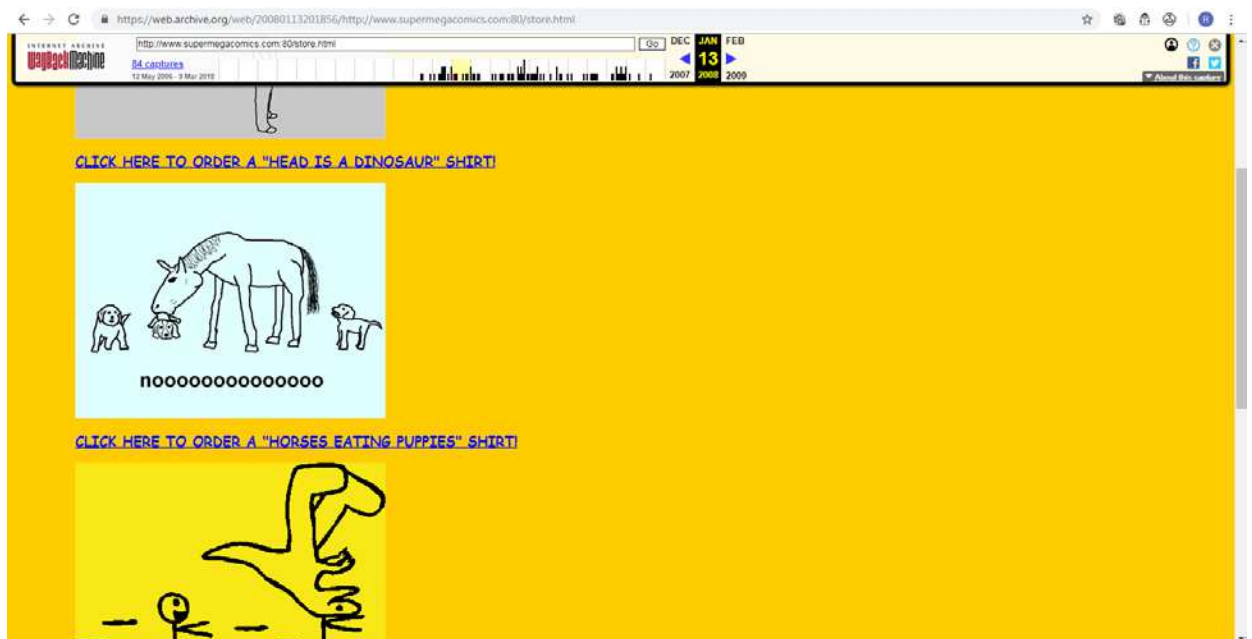
STATUS	DOCUMENTS	MAINTENANCE	DOWNLOAD	FILE PREVIEW
Generated on: This page was generated by TSDR on 2019-02-25 18:59:11 EST				
Mark: SUPER MEGA				
Super Mega				
US Serial Number: 87541135		Application Filing Date: Jul. 25, 2017		
US Registration Number: 5571779		Registration Date: Sep. 25, 2018		
Filed as TEAS RF: Yes		Currently TEAS RF: Yes		
Register: Principal				
Mark Type: Service Mark				
TM5 Common Status Descriptor:		 LIVE/REGISTRATION/Issued and Active		
The trademark application has been registered with the Office.				
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.				
Status Date: Sep. 25, 2018				
Publication Date: Feb. 13, 2018		Notice of Allowance Date: Apr. 10, 2018		
▼ Mark Information Expand All				
Mark Literal Elements: SUPER MEGA				
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.				
Mark Drawing Type: 4 - STANDARD CHARACTER MARK				
▼ Related Properties Information				
Parent Of: 87976330				
▼ Goods and Services				
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none">• Brackets [...] indicate deleted goods/services;• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and• Asterisks *...* identify additional (new) wording in the goods/services.				
For: Entertainment services, namely, the provision of continuing movies featuring comedy delivered by internet				
International Class(es): 041 - Primary Class		U.S Class(es): 100, 101, 107		
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Jan. 28, 2008		Use in Commerce: Jun. 11, 2018		
▲ Basis Information (Case Level)				

Exhibit D

Screenshot 1



Screenshot 2



Screenshot 3



Exhibit E

<https://www.youtube.com/watch?v=iHO7aCqmL8Y>

YouTube

Search



Wonderful Stories by Super Mega - Episode 17

670 views

👍 8 💬 0 ➦ SHARE ⚙️ SAVE ...

https://www.youtube.com/watch?v=-N_iMK2NAng

YouTube

Search



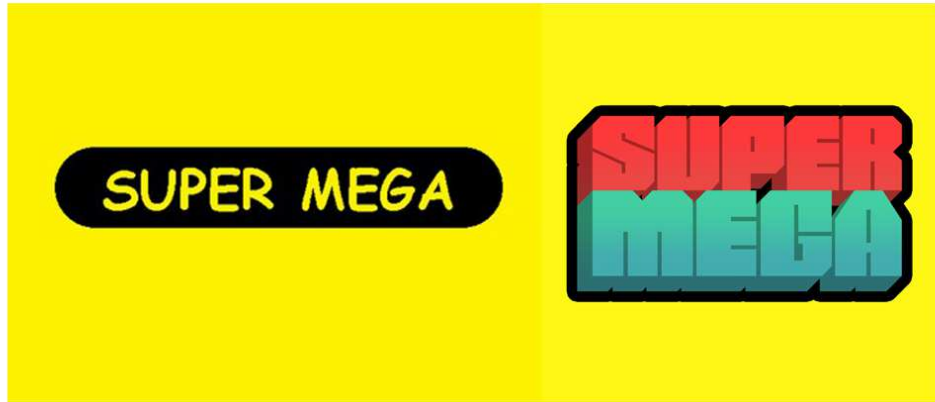
Wonderful Stories by Super Mega - DRAGON CUPBOARD

2,086 views

👍 23 💬 2 ➦ SHARE ⚙️ SAVE ⋮

Exhibit F

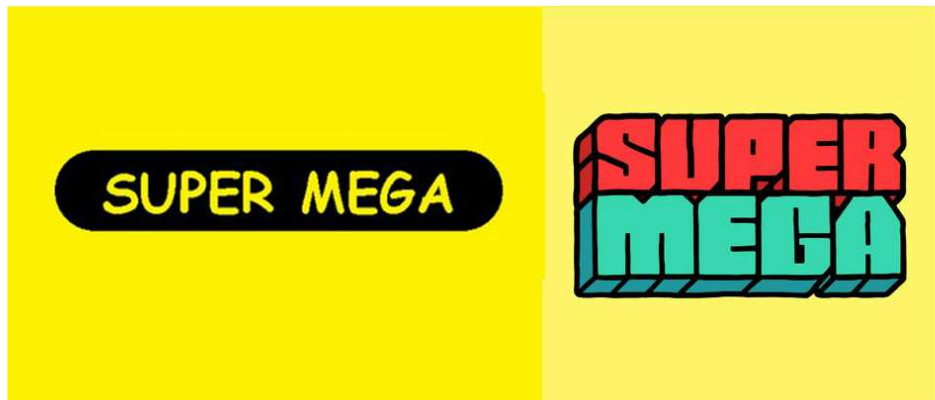
Original logo comparison. Petitioner's logo on the left, Registrant's on right



Yellow's RGB Color Value:
254, 242, 0

Yellow's RGB Color Value:
254, 247, 21

Newer logo comparison, Petitioner's on left, Registrant's on right



Yellow's RGB Color Value:
254, 242, 0

Yellow's RGB Color Value:
253, 46, 104

Exhibit G





Super Mega
@supermegacomics1

Home

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Super Mega

Published by Hootsuite [?] · October 3, 2018 · 🌐

NEW COMIC - ANIMALS., <http://supermegacomics.com/index.php?i=489>
#webcomic #stickfigures #mispaint #supermega #animals
#wholesomememes #wholesomememe #supermegacomics #comics



supermegacomics.com



Super Mega Comics Commentary #1: Tattoos

4,713 views

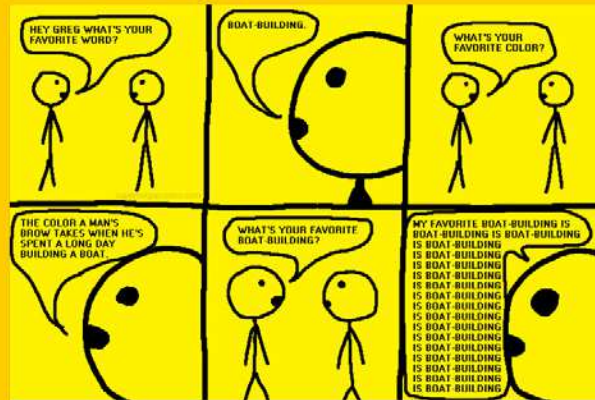
👍 91 💬 2 ➦ SHARE 📌 SAVE ...



Super Mega

ANALYTICS

EDIT VIDEO



NEW COMIC - FAVORITE WORD,, <http://supermegacomics.com/index.php?i=470> #webcomic #stickfigures #mispaint #supermega #comic #webcomic #boatbuilding #supermegacomics

#webcomic #stickfigures #mispaint #supermega #comic #boatbuilding #supermegacomics

67 notes



Exhibit H

On the left are Petitioner's live action sketch videos. On the right are the Registrant's live action sketch comedy videos



Wonderful Stories by Super Mega - HORSEMAN



The Guys Get a Christmas Tree! SuperMega Vlogs



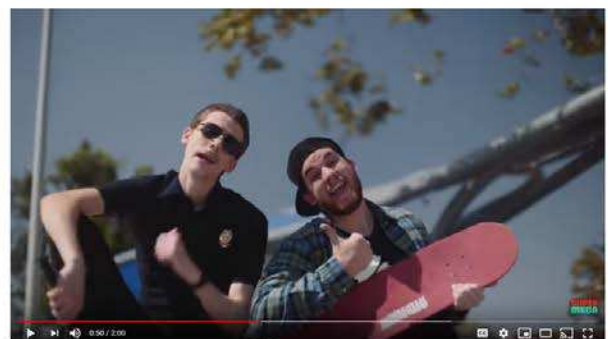
Peachings



Two Lovely Uncles - Official Music Video



Wonderful Stories by Super Mega - Episode 1



Skater Boy and Friendly Coo - Official Music Video

Exhibit I

On the left are Petitioner's animated videos. On the right are videos from the Registrant's official "SuperMega Animated" playlist at <https://www.youtube.com/playlist?list=PLyAVqoAcD81CW5AQn9mO6OyLslWuz5x-x> as well as a video reposted on the Registrant's Twitter account.



VIDEO COMIC - THE CAT THAT EATS GHOSTS



Super Mega Comics Commentary #1: Tattoos



VIDEO COMIC - CHEETOS NEVER CHANGE



Piña colada - Super Mega Animated
17,668 views



SuperMega Animated - Whopper Extreme
37,366 views





UNDERELEPHANT the movie

3,302 views



SUPER MEGA VIDEO COMIC: GOING TO THE STORE

Super Mega

Like Comment Share



SuperMega Animated: Drawing the Simpsons

43,085 views

Like Comment Share

SuperMega Retweeted



Freddie Elsom @freddieelsom · 27 Nov 2018

Deez boyz @SuperMegaShow #SuperMegaCollab #animonthly



46 1.1K 6.2K

Show this thread

Exhibit J

On the left are some of Petitioner's live action musical videos. On the right are some of the Registrant's live action musical videos.



Wonderful Stories by Super Mega - Hundred Pennies
2,938 views



Wonderful Stories by Super Mega - DRAGON CUPBOARD



Evil Dog and the Dreaming Man (Part 2)



My Two Lovely Uncles - Official Music Video



Skater Boy and Friendly Cop - Official Music Video

Exhibit K





SuperMega @SuperMegaShow · 8 Nov 2018
a classic (by u/antieros on reddit)



46 1.3K 9.9K



SuperMega Retweeted
Lily @LilyMcily417 · 14 Aug 2018
Two art trades of the @SuperMegaShow boys **

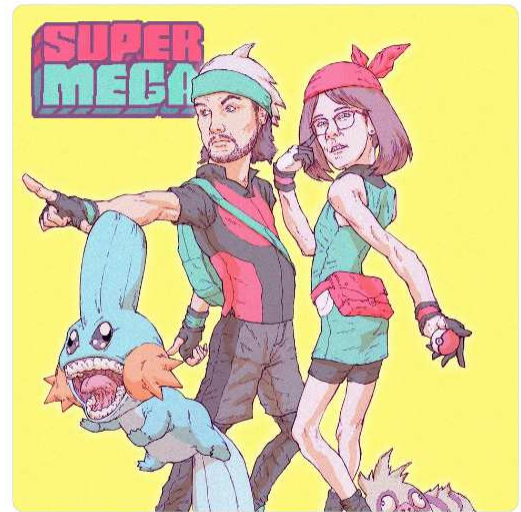


4 29 531

@eliryimagee #fanart #digitalart #supermega



SuperMega @SuperMegaShow · 9 Nov 2018
condle (from u/jack_howl on reddit)



23 183 3.0K

@elirmagee #fanart #digitalart #supermega



@antheros6

6 51 945



Rad Uncle @Raddest_Uncle · 25 Nov 2018
Supermega ft dan the man!
@SuperMegaShow

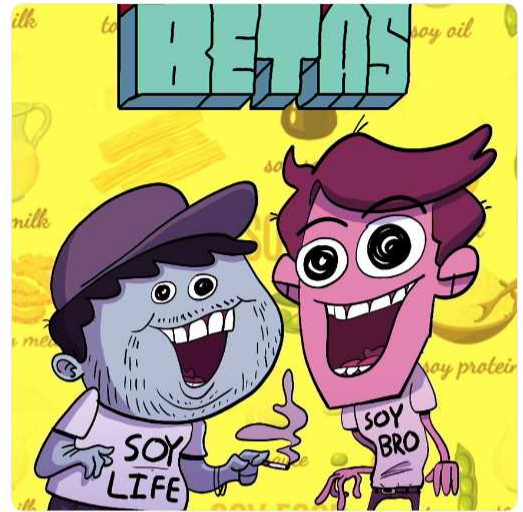


9 42 807

SuperMega Retweeted



Jizzo @jesuezzo · 8 Nov 2018
Welcome to SUPER BETAS! Home of the widest Beta smiles @matthwatson
@elirmagee @SuperMegaShow



3 70 1.2K

SuperMega Retweeted



Simon Macko @Shoocharu · 8 Nov 2018
I am not used to drawing this many good boys, t-shirts or fingers holding a game controller, Good show, boys!
@egoraptor @matthwatson @elirmagee @SuperMegaShow @GameGrumps



49 318 4.7K

Exhibit L

Petitioner's pages on left, Registrant's pages on right

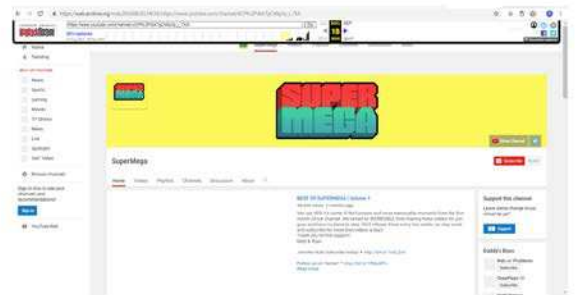



Exhibit M


← → ↻ 🔒 https://www.youtube.com/watch?v=Nw9D2CieAbU

☰ YouTube Search 🔍



VIDEO COMIC - CHEETOS NEVER CHANGE


53 views 4 0 SHARE SAVE ...


 **Super Mega**
Published on Jul 4, 2018

A Super Mega comic about THE FUTURE.
<http://www.supermegacomics.com>
SHOW MORE

ANALYTICS **EDIT VIDEO**

1 Comment SORT BY

 Add a public comment...

 **Steven Scott** 7 months ago
Nice to see youre still around, I thought for a while there you were editing videos for game grumps lol.

👍 🗨️ ❤️ REPLY

Exhibit N

← → ↻ 🔒 https://www.reddit.com/r/gamegrumps/comments/4sotx3/circus_games_grumpcade_ft_supermega/

reddit r/gamegrumps 🔍 Search r/gamegrumps

↓ It's leading up to Jon, obviously
Share Report Save

↑ bigminiman12 Spooked Yet? -4 points · 2 years ago
↓ "AAAAAAAAAAAAHHHHHHHH (insert number here) PLAYERS AAAAAAAAAHHHHHHHHHHH GUEST NAME GRUMPCADE"
Share Report Save

↑ Cheesaurus BORDERLINE NARCISSISM 9 points · 2 years ago
↓ I was *severely* disappointed when I realized SuperMega didn't refer to [supermegacomics](#).
Share Report Save

↑ HumbleManatee If only a beast like me could make people happy 19 points · 2 years ago
↓ Jesus fuck my eyes are burning
Share Report Save

↑ AlexanderDavidBand 1 point · 2 years ago
↓ I SURE DO LOVE SQUINTING AT BLACK ON YELLOW
Share Report Save

↑ Grumpy-Moogle Cocktail: A story about my dick 4 points · 2 years ago
↓ These guys were good, but I expected Jack to hang around longer.
Also, the end slate links to Pokemon Art Academy. Like they're just teasing us now.
Share Report Save


↑ oxhorns 5 points · 2 years ago
↓ I really dug the energy of this episode? It was definitely... weird, but enjoyable.
Share Report Save


↑ themagicone222 1 point · 2 years ago
↓ I love the supermega guys, but they're freaking insane.

Waiting for pixel.rubiconproject.com...

Exhibit 0

Twitter, Inc. [US] | https://twitter.com/arjahhh/status/1004408680551415810

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Velthhh
@arjahhh

Personal account ✨ check out my art
account instead: [@ArjaArt](#)

Joined April 2015

Velthhh @arjahhh · 6 Jun 2018

Hey [@mushbuh](#), [@eliryimagee](#) from supermega is sportin ur awesome cap



1 21

melty 🤔 **buddy** @mushbuh · 6 Jun 2018

Oh cool! I really really love super Mega comics! I love the one with the fan

1 4

Velthhh @arjahhh · 6 Jun 2018

... I dont think we are talking about the same supermega...


1 3

melty 🤔 **buddy** @mushbuh · 6 Jun 2018

[@SuperMegaComics](#) ?

Twitter, Inc. [US] | https://twitter.com/arjahhh/status/1004408680551415810

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Velthhh
@arjahhh

Personal account ✨ check out my art
account instead: [@ArjaArt](#)

Joined April 2015

Velthhh @arjahhh · 6 Jun 2018

... I dont think we are talking about the same supermega...

1 3

melty 🤔 **buddy** @mushbuh · 6 Jun 2018

[@SuperMegaComics](#) ?

2 4

Velthhh
@arjahhh

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[@SuperMegaShow](#) : +)

10:04 AM · 6 Jun 2018


1 Like

Exhibit P

← → ↻ Secure | https://www.reddit.com/r/SuperMega/

20

115




Whos week has also been totally boring from Supermega being on hiatus (self:SuperMega)

submitted 3 days ago by Dktrfancy

15 comments share save hide report

21

22




Mathias and Reginald, from SuperMega? (l.redd.it)

submitted 2 days ago by BeefBlastBody

1 comment share save hide report

22

259




Mack and Rhian? From Supermega? (l.redd.it)

submitted 3 days ago by CannedWolfMeat

10 comments share save hide report

23

12




Matt and Ryan? From Super Mega Comic? (l.redd.it)

submitted 3 days ago by SelfDepicator

comment share save hide report

24

121




It's finally done! I made a depiction of the improv episode in SuperMegaCast #88. (youtu.be)

submitted 3 days ago by PuchNoob

4 comments share save hide report

25

331



Oops (l.redd.it)

submitted 4 days ago by ScottPilgrimVsMy_GPA

6 comments share save hide report

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Exhibit Q

← → ↻ <https://www.youtube.com/watch?v=hd1AKoPY1DQ>

☰  YouTube

 **Bad Animator** 2 months ago
"Open it with a hammer"
👍 🗨️ REPLY

 **Big Moneystacks** 2 months ago
ngl, im sorta bummed out that yall ripped supermega's name
👍 🗨️ REPLY

 **Ron Davis** 4 months ago
i saw this on /b/ once and ever since then any time i see a peachring or anything with peaches i think OOPS YOU BOUGHT PE
👍 🗨️ REPLY



 **Yikesees** 4 months ago
consume the rings or face the consequences
👍 🗨️ REPLY

Exhibit R

Secure | https://www.youtube.com/watch?v=hd1AKoPY1DQ&t=29s

YouTube

peachrings



Super Mega Videos


Published on Jan 15, 2010

SUBSCRIBE 627


wonderfulstories presents a boy going to the store and accidentally gets himself into something that he previously did not understand. More amazing videos at <http://www.supermegacomics.com/videos...>
SHOW MORE

315 Comments

SORT BY



Add a public comment...




Dayamations 1 week ago

Did I watch the devil giving birth?

👍 🗨️ 🧡

REPLY




pink shades of stars 2 weeks ago

We always ask, "what are you on?" But im asking the real question, what am I on?

👍 1 🗨️ 🧡

REPLY




cafeteria cat 2 weeks ago

i dont understand this video is it trying to communicate with us
is it an alien's depiction of humanity

👍 1 🗨️ 🧡

REPLY



jashiu 2 weeks ago

wow i love matt and ryan from Super Mega

👍 2 🗨️ 🧡

REPLY

Exhibit S

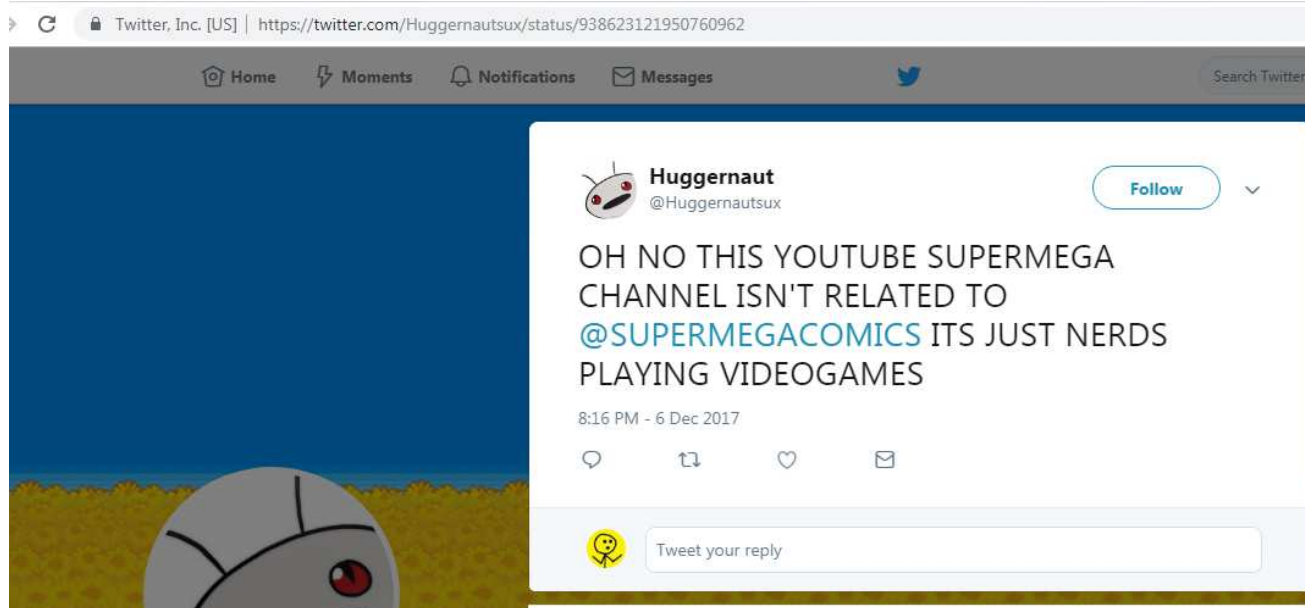


Exhibit T

